



**THE ATTORNEY GENERAL
OF TEXAS**

**JIM MATTOX
ATTORNEY GENERAL**

December 31, 1990

Mr. Jeff Hartsell
Assistant City Attorney
City of El Paso
2 Civic Center Plaza
El Paso, Texas 79999

OR90-604

Dear Mr. Hartsell:

The city of El Paso received two open records requests for particular Emergency Medical Services Reports. You ask whether these reports are subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your requests were assigned ID#'s 11109 and 11161. We note initially that you did not submit copies of the open records requests to this office. In the future, please include copies of all open records requests with your requests for open records decisions.

We have considered the exception you claimed, specifically section 3(a)(1), and have reviewed the documents at issue. A previous determination of this office, Open Records Decision No. 578 (1990), a copy of which is enclosed, resolves your request. The reports show that the EMS vehicle can provide advanced life support. See Health & Safety Code, § 773.043. Thus, the reports were created under the delegated authority of a physician, as provided in section 773.007 of the Health and Safety Code, and so constitute "medical records," as defined by section 5.08(b) of article 4495b, V.T.C.S. (Texas Medical Practice Act). Thus, they are excepted from public disclosure pursuant to section 3(a)(1) of the Open Records Act.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR90-604.

Yours very truly,

A handwritten signature in cursive script that reads "Susan Garrison".

Susan Garrison
Assistant Attorney General
Opinion Committee

SG/RWP/le

512/463-2100

SUPREME COURT BUILDING

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Ref.: ID# 11109
ID# 11161

Enclosures: Open Records Decision No. 578